

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HO KEUNG TSE,

Plaintiff,

v.

APPLE INC. et al.,

Defendant.

No. C 06-06573 SBA

ORDER

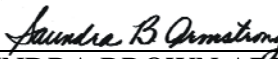
On May 11, 2007 plaintiff submitted a letter to this Court requesting that the plaintiff be excused from personally attending the ENE hearing scheduled for May 18, 2007 because he cannot obtain a visa to travel from China. *See* Docket No. 65. On May 13, 2007 plaintiff submitted an identical letter request to Magistrate Judge Brazil. *See* Docket No. 66. Under ADR Local Rules 2-2 and 5-10(d), the plaintiff should have submitted his request to Judge Brazil, not this Court. ADR Local Rule 2-2 states: "The ADR Magistrate Judge [i.e., Judge Brazil] shall rule on all requests to be excused from appearing in person at arbitration, ENE and mediation sessions, and shall hear and determine all complaints alleging violations of these ADR local rules." Rule 5-10(d) states:

A person who is required to attend an ENE session may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must submit, no fewer than 15 days before the date set for the session, **a letter to the ADR Magistrate Judge**, simultaneously copying the ADR Unit, all counsel and the evaluator.

(Emphasis added). Accordingly, this Court will not pass on the letter request because it is not properly before this Court, and the matter shall be handled by Judge Brazil as is appropriate under the Local Rules.

IT IS SO ORDERED.

Dated: 5/15/07


SAUNDRA BROWN ARMSTRONG
United States District Judge